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**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT
DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
CONDA.00001

First named inventor: Shigemasa TAKAGI

International (PCT) Application No.: PCT/JP00/09334

U.S. Application No.:
(if known)

Filed: December 27, 2000

Title: Rubber Coated Strands; Belt, Ply, and Tire Using Rubber Coated Strands; and Apparatus and Method for Manufacturing Them

Attention: PCT Legal Staff
Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

The above-identified application became abandoned as to the United States because the fees and documents required by 35 U.S.C. 371(c) were not filed prior to the expiration of the time set in 37 CFR 1.494(b) or (c) or 1.495(b) or (c) as applicable. The date of abandonment is the day after the date on which the 35 U.S.C. 371(c) requirements were due. See 37 CFR 1.494(g) or 1.495(h).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proper reply
- (3) Terminal disclaimer with disclaimer fee--required for all international applications having an international filing date before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity - fee \$ 620.00 (37 CFR 1.17(m)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Proper reply

A. The proper reply (the missing 35 U.S.C. 371(c) requirement(s) in the form of
1) the National Fee; 2) an English translation of the international application; and 3) an oath or declaration of the inventor (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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3. Terminal disclaimer with disclaimer fee

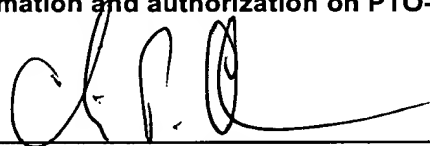
- ☒ Since this international application has an international filing date on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. Statement. The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

August 30, 2001

Date



Signature

Colin P. Cahoon

Telephone 972 367-2001
Number: ()

Typed or printed name

P.O. Box 802334

Address

Dallas, TX 75380, USA

- Enclosures: ☒ Response
☒ Fee Payment
☐ Terminal Disclaimer Form
☐ _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shigemasa TAKAGI
Serial No.: PCT/JP00/09334
Filing Date: December 27, 2000
Title: Rubber Coated Strands; Belt, Ply, and Tire Using Rubber Coated Strands; and Apparatus and Method for Manufacturing Them
Attorney Docket No.: CONDA.00001

Attn: PCT Legal Staff
Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

**BRIEF IN SUPPORT OF PETITION TO REVIVE
INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S.
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

In accordance with PCT Article 48(2) and 37 C.F.R. 1.137(b), Applicant hereby petitions for revival of the above-identified application that was unintentionally abandoned as a result of the failure to file the national application in the United States. In support of this Brief, Applicant submits the following:

- PCT Article 48(2) provides in pertinent part:

**Article 48
Delay in Meeting Certain Time Limits**

* * *

(2)(a) Any Contracting State shall, as far as that State is concerned, excuse, for reasons admitted under its national law, any delay in meeting any time limit.

(b) Any Contracting State may, as far as that State is concerned, excuse, for any reason other than those referred to in subparagraph (a), any delay in meeting any time limit.

- 37 C.F.R. §1.137(b) provides in pertinent part;

1.137 Revival of abandoned application or lapsed patent

* * *

(b) *Unintentional*. Where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to this paragraph. A grantable petition pursuant to this paragraph must be accompanied by:

- (1) The required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof;
- (2) The petition fee as set forth in § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

* * *

UNDERLYING FACTS OF CASE:

- Applicant, Shigemasa TAKAGI is the original inventor of the above-referenced matter entitled, "Rubber Coated Strands; Belt, Ply, and Tire Using Rubber Coated Strands; and Apparatus and Method for Manufacturing Them."
- At the time of invention, Applicant resided and was a national of Japan.
- Applicant's International Patent Application No. PCT/JP00/09334 was timely filed on December 27, 2000, claiming priority based on the following four Japanese Patent Applications:
 - (1) JP Patent Application No. 11-370078 filed on December 27, 1999
 - (2) JP Patent Application No. 2000-028204 filed on February 4, 2000
 - (3) JP Patent Application No. 2000-080853 filed on March 22, 2000
 - (4) JP Patent Application No. 2000-080854 filed on March 22, 2000
- By fax correspondence of August 22, 2001, the Japanese agent for the Applicant forwarded instructions to the U.S. agent for Applicant, Carstens, Yee & Cahoon, instructing that a U.S. patent application be filed as a national phase of the above-referenced international application by August 27, 2001. (Tab A)
- Applicant's United States agent acknowledged receipt of this file and indicated it would be timely filed. (Tab B)
- The receipt of this new matter was unintentionally docketed by the U.S. Agent for filing on September 1, 2001. This error was discovered on August 30, 2001, three (3) days after the due date of August 27, 2001, and this Petition to Revive, along with the appropriate reply, was filed the same day.

GROUND FOR REVIVAL:

In accordance with PCT Article 48(2) and 37 C.F.R. 1.137(b), revival of the above-referenced matter is proper under the circumstances. In no correspondence referenced heretofore did Applicant ever express an intent to abandon the Application. Applicant's Japanese agent instructed that the application be timely filed in the United States, and Applicant's United States agent acknowledged such instruction and indicated that such action would be taken. Counsel's office discovered an unintentional docketing error on August 30, 2001. Upon such discovery, this Petition for Revival was immediately prepared and filed on that date, accompanied by the reply. Consequently, Applicant took all reasonable measures in a timely manner to prosecute the above-referenced matter; but, through an unintentional error on behalf of Applicant's United States agent, this application was filed three (3) days late.

The Commissioner is hereby authorized to charge payment of any further fees associated with any of the foregoing papers submitted herewith, or to credit any overpayment thereof, to Deposit Account No. 50-0392.

Respectfully submitted,

By: 

Colin P. Cahoon
Reg. No. 38,836

Date: August 30, 2001

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